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Attorneys for Defendants

CITY OF MENLO PARK and

DAVE BERTINI

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

MICHAEL ZELENY, an individual

Plaintiff,

vs.

EDMUND G. BROWN, JR., an individual, in  
his official capacity, et al.

Defendants.

Case No. 17-cv-07357-RS

**STIPULATION AND [PROPOSED]  
ORDER RE PARTIES' REQUEST FOR  
EARLY REFERRAL TO MAGISTRATE  
JUDGE FOR EARLY SETTLEMENT  
CONFERENCE**

On March 28, 2018, counsel for the parties herein participated in an ADR Telephone Conference with Howard Herman. *See* Document 34. In said teleconference, counsel for the parties herein advised that they were agreeable to a referral to either Chief Magistrate Judge Joseph C. Spero or Magistrate Nathanael Cousins for an Early Settlement Conference.<sup>1</sup> While the parties

<sup>1</sup> Defendants Edmund G. Brown Jr., Governor of California, and Xavier Becerra, Attorney General of California, have filed a motion to dismiss on the grounds that the Court lacks jurisdiction over the claim Mr. Zeleny asserts against

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are currently working together informally, by way of this stipulation, they respectfully request an early referral to one of the aforementioned Magistrate Judges, so that they may get a settlement conference on calendar as soon as practical. The parties make this request because the initial case management conference, which was originally scheduled for April 12, 2018, has been moved to May 10, 2018. *See* Document 33. It is the parties' hope that with an early referral, the case as it pertains to the Menlo Park Defendants may be rendered moot and/or the parties will at least have a settlement conference on calendar by the time of the May 10, 2018 Case Management Conference.

DATE: April 2, 2018

HOWARD ROME MARTIN &amp; RIDLEY LLP

By: /s/ Todd H. Master

Todd H. Master  
Attorneys for Defendants  
CITY OF MENLO PARK and  
DAVE BERTINI

DATE: April 2, 2018

AFFELD GRIVAKES LLP

By: /s/ Todd H. Master

David W. Affeld  
Damion Robinson  
Attorneys for Plaintiff  
MICHAEL ZELNY

DATE: April 2, 2018

By: /s/ Noreen P. Skelly

Noreen P. Skelly  
Attorneys for Defendants  
EDMUND G. BROWN JR. and  
XAVIER BECERRA

them. *See* Document 20. However, as discussed during the ADR telephone conference, Defendants Brown and Becerra support Mr. Zeleny and Defendants City of Menlo Park and Chief Bertini's efforts to resolve this matter through a request for an early settlement conference.

STIPULATION AND [PROPOSED] ORDER RE PARTIES' REQUEST FOR EARLY REFERRAL TO  
MAGISTRATE JUDGE FOR EARLY SETTLEMENT CONFERENCE;

Case No. 17-cv-07357-RS

**[PROPOSED] ORDER**

Pursuant to the Stipulation set forth above and good cause appearing, this case is referred to [Chief Magistrate Judge Joseph C. Spero or Magistrate Judge Nathanael Cousins] for an early settlement conference.

Dated: April \_\_, 2018

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Hon. Richard Seeborg  
United States District Court Judge

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